



I hereby certify that the correspondence (along with any paper referred to as being attached or enclosed) is being mailed via "First Class Mail" service of the United States Postal Services on the date shown below in an envelope addressed to the Assistant Commissioner for Patents, Box Missing Parts, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Dated: August 20, 2001

By:

Patricia Muñoz

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## FILING COMPLETION UNDER RULE 53(f)

( NOT PCT Applications)

For Design, Provisional, or Utility Applications

PATENT  
APPLICATION**COMPLETION Under**  
Rule 53(f)In re PATENT APPLICATION of

Inventor(s): Hougland, et al.

Appln. No.: 09

854,186

Atty.Dkt.

59502-

272590

Attn: Application Division

Series Code ↑

Serial No. ↑

M#

Client Ref

Filed: May 11, 2001

Title: XML-ENABLED CONTROL AND MONITORING METHOD AND APPARATUS

Hon. Commissioner of Patents  
Washington, DC 20231

Date: August 20, 2001

Sir:

The following completes the filing under Rule 53(f) of the above-identified patent application:

1. **Notice to File Missing Parts** ☒ copy attached ☐ not yet received
2. ☒ Signed Declaration attached. ☐ Original ☐ Facsimile/Copy

(Always "X" box 2 if filing signed Declaration and

"X" box 2A only if top box of the Declaration is X'd and file application copy, or"X" box 2B only if none of the top three boxes of the Declaration is X'd.)

- 2A. ☐ Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of specification and claim(s) originally filed to secure the above filing date.
- 2B. ☐ The original application as filed in the PTO on the above filing date is the application which each inventor executed by signing the attached Rule 63 Declaration.
3. ☐ Specification originally filed in non-English language; hence verified translation attached of:
- a. ☐ Abstract
- b. #  pages of Specification (only spec. & claims)
- c. ☐ Drawing(s)  No of Sheets
- ☐ Fig(s).
4. ☐ Letter filing formal drawing attached.
5. ☒ Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.
6. DOMESTIC/INTERNATIONAL priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

Applicati n N .	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	
(5)		(6)	

7. **FOREIGN** priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in \_\_\_\_\_

8.

Application N .	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	

9. \_\_\_\_\_ (No.) Certified copy (copies): ☐ attached; ☐ previously filed (date) \_\_\_\_\_  
in U.S. Application No. \_\_\_\_\_ / Filed on \_\_\_\_\_

10. Small Entity Status ☐ is Not claimed ☒ is claimed (file PAT-256 if this is the first claim of Small Entity Status)

11. ☐ Attached:

12. ☐ Preliminary Amendment:

**THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED**

				Large/Small Entity		Fee C de
13. Basic Filing Fee .....				Design Application \$320/\$160		106/26
				Not Design Application \$710/\$355	+355	101/201
14. Total Effective Claims	17	minus 20 =	0	x \$18/\$9	+	103/203
15. Independent Claims	4	minus 3 =	1	x \$80/\$40	+40	102/202
16. If <u>any proper</u> multiple dependent claim (ignore improper) is present, (Leave this line blank if this is a reissue application)				\$270/\$135	+0	104/204
17. Surcharge for filing Declaration/filing fee late				\$130/\$65	+65	105/205
18. FILING FEE ENCLOSED =				\$460		
19. <u>Original due date:</u> July 5, 2001						
20. <b>Petition is hereby made</b> to extend the <u>original</u> due date to				(1 mo) \$110/\$55 =	+	115/215
cover the date this response is filed for which the requisite fee				(2mos) \$390/\$195 =		116/216
is attached				(3mos) \$890/\$445 =		117/217
				(4mos) \$1390/\$695 =		118/218
21. If "non-English" box 3 is X'd, add Rule 17(k) processing fee .....				\$130	+0	139
22. If "assignment" box 5 is X'd, add recording fee. ....				\$40	+40	581
23. Petition Fee for				\$130	+0	
24. TOTAL FEE ENCLOSED =				\$500		

Our Deposit Account No. 03-3975

Our Order No. 59502 | 272590

C#

M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This **CHARGE STATEMENT** does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP**  
**Intellectual Property Group**

50 Fremont Street

By Atty: James Y. Sze

Reg. No. 43,943

San Francisco, CA 94105-2228

Sig: 

Fax: (415) 983-1200

Tel: (415) 983-1000

Tel: (619) 544-3108

Atty/Sec: JYS/pm

**NOTE: Fil in duplicate with PTO receipt (PAT-103A) and attachments**



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/854,186	05/11/2001	Benson Hougland	59502-272590

CONFIRMATION NO. 7233

## FORMALITIES LETTER



\*OC000000006259704\*

Pillsbury Winthrop LLP  
Intellectual Property Group  
50 Fremont Street  
San Francisco, CA 94105

Date Mailed: 07/05/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/23/2001 MABD11 00000063 09854186

FILED UNDER 37 CFR 1.53(b)

01 FC:201 355.00 OP  
02 FC:202 40.00 OP  
03 FC:205 65.00 OP

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$80.
  - \$80 for 1 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 920.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE